

## **REMARKS**

### **INTRODUCTION**

In accordance with the foregoing, claims 1, 3-6, 8-11, and 13-15 have been amended. Claims 3-5, 8-10, and 13-15 have been amended only to correct informalities in claim language. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 3-6, 8-11, and 13-15 are pending and under consideration. Reconsideration is respectfully requested.

### **ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116**

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

- (a) the amendments of claims 1, 6, and 11 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and/or
- (b) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

## REJECTION UNDER 35 U.S.C. §102

In the Office Action at pages 2-3, numbered items 3-7, claims 1, 3-4, 11, and 13-14 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,182,109 to Sharma, et al. (hereinafter "Sharma"). This rejection is traversed and reconsideration is requested.

Amended independent claim 1 is directed to a method for controlling a plurality of threads that perform parallel processing. The method includes, in relevant part, "monitoring a number of running threads performing parallel processing and a number of standby threads that are in a standby state for a predetermined time period" and "setting a necessary number of standby threads in accordance with the number of running threads during the predetermined time period." Further, the method includes "comparing the number of standby threads with the necessary number of standby threads at a predetermined time interval" and "terminating a number of standby threads exceeding the necessary number when the number of standby threads is greater than the necessary number." Independent claim 11 has been similarly amended to recite, in relevant part, "monitoring a number of running threads performing parallel processing and a number of standby threads that are in a standby state for a predetermined time period," "setting a necessary number of standby threads in accordance with the number of running threads during the predetermined time period," and "comparing the number of standby threads with the necessary number of standby threads." Support for the amendments to claims 1 and 11 can be found in the originally filed specification, at least at page 4, line 31 to page 5, line 2.

Applicants respectfully submit that Sharma at col. 23, lines 27-41 teaches setting the maximum and minimum number of threads of the total number of threads created to service all client requests. In contrast, according to the present invention, a necessary number of standby threads is set in accordance with the number of running threads monitored during a predetermined time period, as recited in independent claims 1 and 11. Applicants respectfully submit that Sharma fails to teach or suggest at least this feature of independent claims 1 and 11.

Accordingly, Applicants respectfully submit that amended independent claim 1 and claims 3-4 depending therefrom patentably distinguish over the prior art and are in condition for allowance. Further, as independent claim 11 has been similarly amended, Applicants

respectfully submit that amended independent claim 11 and claims 13-14 depending directly therefrom are also in condition for allowance.

### **REJECTIONS UNDER 35 U.S.C. §103**

In the Office Action at pages 3-4, numbered items 8-11, claims 5 and 15 were rejected under 35 U.S.C. §103 as being unpatentable over Sharma. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

As claims 5 and 15 depend directly from amended independent claims 1 and 11, respectively, Applicants respectfully submit that claims 5 and 15 patentably distinguish over the prior art for at least the same reasons as amended independent claims 1 and 11 and, therefore, are in condition for allowance.

In the Office Action at pages 5-7, numbered items 12-19, claims 6 and 8-10 were rejected under 35 U.S.C. §103 as being unpatentable over Sharma in view of U.S. Patent No. 6,389,446 to Torii. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claim 6 has been amended to include features similar to amended independent claims 1 and 11. In relevant part, independent claim 6 recites "a comparison circuit setting a necessary number of standby threads in accordance with the number of running threads included in the thread information."

Applicants respectfully submit that Sharma and Torii, taken alone or in combination, fail to teach or suggest setting a necessary number standby threads in accordance with the number of running threads included in the thread information, as recited in amended independent claim 6. Torii, in contrast, teaches a multiprocessor system that includes a plurality of thread processors. Accordingly, Applicants respectfully submit that independent claim 6 and claims 8-10 depending therefrom patentably distinguish over Sharma and Torii, as Sharma and Torii, taken alone or in combination, fail to teach or suggest all of the features of the claimed invention. Accordingly, Applicants respectfully submit that independent claim 6 and claims 8-10 depending therefrom are in condition for allowance.

## CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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